

ORIGINAL

CV 02-1689 #1

FILED _____ ENTERED _____
 LODGED _____ RECEIVED _____
 AUG 15 2002 MR
 AT SEATTLE
 CLERK U.S. DISTRICT COURT
 BY WESTERN DISTRICT OF WASHINGTON DEPUTY

UNITED STATES DISTRICT COURT
 FOR THE WESTERN DISTRICT OF WASHINGTON
 AT SEATTLE

EQUAL EMPLOYMENT OPPORTUNITY
 COMMISSION,

Plaintiff,

v.

MEDICAL MANAGEMENT INTERNATIONAL,
 INC.,

Defendant

CIVIL ACTION NO

CV02-1689 *C*

JURY TRIAL DEMAND

NATURE OF THE ACTION

This is an action under Title VII of the Civil Rights Act of 1964 and Title I of the Civil Rights Act of 1991 to correct unlawful employment practices on the basis of sex and retaliation and to provide appropriate relief to Erin Harold and a group of similarly situated female employees ("the class"). The Equal Employment Opportunity Commission alleges that defendants subjected Ms Harold and the class to a sexually and gender-based hostile work environment. The EEOC further alleges defendant subjected Ms Harold to discipline when she complained of the harassment. Plaintiff seeks monetary and injunctive relief, including pecuniary and nonpecuniary compensatory damages and punitive damages, on behalf of Ms. Harold and the class.

///

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
 Seattle District Office
 Federal Office Building
 909 First Avenue, Suite 400
 Seattle, Washington 98104-1061
 Telephone (206) 220-6883
 Fax (206) 220-6911
 TDD (206) 220-6882

*Fee waived
 \$0.55*

JURISDICTION AND VENUE

1
2 1 Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§451, 1331, 1337, 1343
3 and 1345. This action is authorized and instituted pursuant to sections 706(f)(1) and (3) of Title VII
4 of the Civil Rights Act of 1964, as amended, 42 U.S.C. sections 2000e-5(f)(1) and (3) ("Title VII"),
5 and Section 102 of the Civil Rights Act of 1991, 42 U.S.C. §1981a.

6 2 The employment practices alleged to be unlawful were committed within the
7 jurisdiction of the United States District Court for the District of Washington at Seattle

PARTIES

8
9 3. Plaintiff, the Equal Employment Opportunity Commission (the "Commission"), is the
10 agency of the United States of America charged with the administration, interpretation and
11 enforcement of Title VII, and is expressly authorized to bring this action by Section 706(f)(1) of
12 Title VII, 42 U.S.C. §2000e-5(f)(1).

13 4. At all relevant times, defendants Medical Management International, Inc. has been a
14 corporation continuously doing business in the State of Washington and has continuously had at
15 least 15 employees.

16 5 At all relevant times, Medical Management International, Inc. has continuously been
17 an employer engaged in an industry affecting commerce within the meaning of Sections 701(b), (g)
18 and (h) of Title VII, 42 U.S.C. §§2000e-(b), (g) and (h).

STATEMENT OF CLAIMS

19
20 6. More than thirty days prior to the institution of this lawsuit, Erin Harold filed charges
21 with the Commission alleging violations of Title VII by Medical Management International, Inc. All
22 conditions precedent to the institution of this lawsuit have been fulfilled

23 7. Beginning on or before December 2000, defendant engaged in unlawful employment
24 practices at its Woodinville, Washington facility known as "Banfield, the Pet Hospital," in violation
25 of §§ 703(a) and 704(a) of Title VII, 42 U.S.C. §§ 2000e-2(a) and -3(a). Defendants affected the
26 terms and conditions of Erin Harold's and the class members' employment by subjecting them to
27 ongoing harassment based on sex. This included both gender-based and sexual conduct and

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
Seattle District Office
Federal Office Building
909 First Avenue, Suite 400
Seattle, Washington 98104-1081
Telephone (206) 220-6883
Fax (206) 220-6911
TDD (206) 220-6882

1 comments that defendant failed to remedy, including the following the facility's chief veterinarian
 2 making routine disparaging comments about the abilities of female employees, the facility's chief
 3 veterinarian using pervasive profanity around and ridiculing the predominantly female subordinate
 4 staff, the facility's chief veterinarian making sexual comments about female anatomy and other
 5 matters. Further, defendant disciplined Ms. Harold in retaliation for her complaints of
 6 discrimination.

7 8 The effect of the practices complained of in paragraph 7 above has been to deprive
 8 Ms. Harold and the class of equal employment opportunities and otherwise adversely affect their
 9 status as employees because of their sex or because of retaliation.

10 9. The unlawful employment practices complained of in paragraph 7 above were
 11 intentional

12 10. The unlawful employment practices complained of in paragraph 7 above were done
 13 with malice or with reckless indifference to the federally protected rights of the class members.

14 PRAYER FOR RELIEF

15 Wherefore, the Commission respectfully requests that this Court:

16 A. Grant a permanent injunction enjoining each defendant, its officers, successors,
 17 agents, assigns, and all persons in active concert or participation with it, from engaging in any
 18 employment practices which discriminate on the bases of sex and retaliation.

19 B. Order each defendant to institute and carry out policies, practices, and programs
 20 which provide equal employment opportunities for all employees, and which eradicate the effects of
 21 its past and present unlawful employment practices.

22 C. Order each defendant to make whole all class members by providing appropriate back
 23 pay with prejudgment interest, in amounts to be determined at trial, and other affirmative relief
 24 necessary to eradicate the effects of its unlawful employment practices.

25 D. Order each defendant to make whole all class members by providing compensation
 26 for past and future pecuniary losses resulting from the unlawful employment practices described in
 27 paragraph 7 above, including past and future out-of-pocket expenses, in amounts to be determined at

trial.

E. Order each defendant to make whole all class members by providing compensation for past and future nonpecuniary losses resulting from the unlawful practices complained of in paragraph 7 above, including without limitation emotional pain, suffering, and loss of enjoyment of life, in amounts to be determined at trial.

F. Order each defendant to pay all class members punitive damages for its malicious and reckless conduct described in paragraph 7 above, in amounts to be determined at trial.

G Grant such further relief as the Court deems necessary and proper in the public interest.

H. Award the Commission its costs of this action

JURY TRIAL DEMAND

The Commission requests a jury trial on all questions of fact raised by its complaint.

DATED this 15 day of August, 2002..

A. LUIS LUCERO, JR.
Regional Attorney

GWENDOLYN YOUNG REAMS
Associate General Counsel

JOHN F. STANLEY
Acting Supervisory Trial Attorney

WESLEY KATAHIRA
Senior Trial Attorney

BY. a. Luis Lucero Jr.

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION
Seattle District Office
909 First Avenue, Suite 400
Seattle, Washington 98104
Telephone (206) 220-6851

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION
Office of the General Counsel
1801 "L" Street, N.W.
Washington, D.C. 20507

Attorneys for Plaintiff